
TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #10-162(F)

DIGEST

Amends [312 IAC 3-1-2.5](#), which identifies provisions of the code of judicial conduct that are applicable to administrative law judges of the Natural Resources Commission under [IC 14-10-2-2](#), to accommodate amendments received from the Indiana Supreme Court through October 15, 2009, as well as to allow administrative law judges to provide mediation services in matters in addition to those under [IC 4-21.5-3.5](#). Effective 30 days after filing with the Publisher.

[312 IAC 3-1-2.5](#)

SECTION 1. [312 IAC 3-1-2.5](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 3-1-2.5](#) Applicable provisions of the code of judicial conduct to administrative law judges

Authority: [IC 14-10-2-4](#)

Affected: [IC 4-21.5](#); [IC 14-10-2-2](#)

Sec. 2.5. (a) The following definitions apply throughout this section:

- (1) "Administrative law judge" means an administrative law judge for the natural resources commission.
- (2) "Code of judicial conduct" refers to the code of judicial conduct adopted by the Indiana supreme court, effective ~~January 1, 1999~~ **March 1, 1993** (including amendments passed ~~received~~ through ~~January 1, 2006~~ **October 15, 2009**).

(b) This section is intended to assist with the implementation of [IC 14-10-2-2](#)(a)(2)(C), which requires administrative law judges to comply with the applicable provisions of the code of judicial conduct.

(c) For purposes of this section, wherever in the code of judicial conduct the term:

- (1) "court personnel" or a term of similar application is used, the term applies to an employee of the commission's division of hearings, other than an administrative law judge; and
- (2) "judge" is used, the term applies to an administrative law judge.

(d) Unless otherwise specified in subsection (e), the provisions of the code of judicial conduct are applicable to an administrative law judge. These provisions shall be liberally construed to implement the intention of [IC 14-10-2-2](#).

(e) The following provisions of the code of judicial conduct are inapplicable to an administrative law judge:

- (1) Canon ~~3B(14)~~ **2.17** and ~~3B(13)~~ **2.8(C)**.
- (2) Canon ~~4G~~ **3.2 and 3.4**.
- (3) **Canon 3.9 if mediation services are provided in the ordinary course of commission employment or on a pro bono publico basis.**
- (4) Canon ~~4G~~ **3.10**, to the extent that the practice of law in a representational capacity on a pro bono publico basis pursuant to the Indiana Rules of Professional Conduct, Rule 6.1 is prohibited. Such practice of law shall, however, be conducted subject to all applicable requirements of the code of judicial conduct.
- (4) ~~(5)~~ **(5) Canon 4H(2): 3.15(B) and 3.15(C).**
- (5) ~~(6)~~ **(6) Canon 5A(3), 5A(4), 5B(1), 5C, 5D, and 5F. 4.**

(Natural Resources Commission; [312 IAC 3-1-2.5](#); filed Jan 26, 2007, 10:48 a.m.: [20070214-IR-312060107FRA](#); readopted filed Jul 21, 2008, 12:16 p.m.: [20080813-IR-312080052RFA](#); filed Jan 5, 2011, 3:14 p.m.: [20110202-IR-312100162FRA](#))

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Small Business Regulatory Coordinator: Stephen L. Lucas, Director, Division of Hearings, Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204-2200, (317) 233-3322, slucas@nrc.in.gov

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